

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

Kyle Butler Rashley

Plaintiff,

v.

Benefits Now, LLC

Defendant.

Case No. 2:25-cv-10398-TGB-DRG

**JURY TRIAL DEMANDED**

**REQUEST FOR CLERK’S ENTRY OF DEFAULT  
AGAINST DEFENDANT BENEFITS NOW, LLC**

COMES NOW Plaintiff Kyle Butler Rashley, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Motion for Clerk’s Entry of Default against Defendant Benefits Now, LLC in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff’s claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled “Time to Serve a Responsive Pleading,” provides in pertinent part that “[a] defendant must serve an answer within 21 days after being served with the summons and complaint.” FED. R. CIV. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled “Entering a Default,” provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party’s default.” FED. R. CIV. P. 55(a) (emphasis added).

Here, the Plaintiff filed the Complaint naming Defendant on February 10, 2025. (See ECF No. 1.) Defendant was served with the Summons and Complaint on February 14, 2025. (See ECF No. 3.) Accordingly, Defendant’s responsive pleading was due on March 7, 2025.

Defendant did not file a response as of April 24, 2025. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

The Plaintiff intends to move for leave to conduct discovery into the classwide claims shortly and potentially move for class certification prior to seeking a default judgment.

### **CONCLUSION**

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this April 24, 2025.

/s/ Andrew Roman Perrong  
Andrew Roman Perrong, Esq.  
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Glenside, Pennsylvania 19038  
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*Attorney for Plaintiff*

### **CERTIFICATE OF SERVICE**

I certify that I filed the foregoing via ECF on the below date, which will automatically send a copy to all attorneys of record on the case.

I further certify that I mailed a copy of the foregoing to:

Benefits Now, LLC  
8 Morgan Drive  
Sinking Spring, PA 19608  
Tracking Number: 00310903331480013038

Dated: April 24, 2025

/s/ Andrew Roman Perrong  
Andrew Roman Perrong